

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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LARRY SWANSON, et al.,

Plaintiffs,

ORDER

-against-

15-CV-5383 (ENV)

MANHATTAN BEER DISTRIBUTORS, LLC, et al.,

Defendants.
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ROANNE L. MANN, CHIEF UNITED STATES MAGISTRATE JUDGE:

Currently pending before this Court is defendants' motion to compel responses to discovery demands and to compel plaintiffs' appearance this month at previously scheduled depositions (DE #75), along with plaintiffs' opposition thereto (DE #76).

Defendants' motion to compel discovery responses was filed prematurely, before plaintiffs' time to respond had expired; as plaintiffs now report that they have timely served their responses to those demands, this aspect of defendants' motion is denied as moot.

As for the timing of plaintiffs' depositions, which were first noticed on August 10 and scheduled for October 10 and 17, the Court rejects plaintiffs' argument that these depositions should be deferred until November, after defendants have responded to discovery demands served by plaintiffs on September 21. The problem that plaintiffs complain of is one of their own making: Plaintiffs cite no reason why they failed to serve the referenced demands by August 28, the date originally contemplated by the parties, when they assumed that fact discovery continuing until April 12, 2019. See DE #73 at 3. Given that fact discovery is now scheduled to close on December 28, 2018, defendants should not have to wait until November to conduct the depositions of the two named plaintiffs. Therefore, plaintiffs must be produced for

their depositions next week and/or the following week. If the dates selected by defendants nearly two months ago are unworkable for plaintiffs, counsel are directed to confer in good faith to select alternative, mutually convenient dates within the two-week time frame (October 9 through October 19) set by the Court.

SO ORDERED.

**Dated: Brooklyn, New York
October 2, 2018**

/s/ *Roanne L. Mann*

**ROANNE L. MANN
CHIEF UNITED STATES MAGISTRATE JUDGE**